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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

In re:

JAHANBAKHS B. DARDRAS and
ANDREA S. SCHMITTGEN-DARDRAS,

Debtors.

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§
§ **Case No. 18-41380**
§
§ **Chapter 7**
§
§
§

REPUBLIC FINANCE, LLC

Plaintiff,

V.

ANDREA S. SCHMITTGEN-DARDRAS,

Defendant.

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§
§ Adv. Proc. No. _____
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PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF THE BANKRUPTCY COURT

COMES NOW REPUBLIC FINANCE, LLC (“Plaintiff”), the Plaintiff in the above-styled adversary proceeding, and files this its *Plaintiff’s Original Complaint*, complaining of ANDREA S. SCHMITTGEN-DARDRAS (“Debtor” or “Defendant”), and in support thereof,

would show as follows:

I. PARTIES

1. Plaintiff is a creditor and party in interest in the above bankruptcy case.
2. The Debtor may be served with process at her residence of record, 3713 Kelly Blvd, Carrollton, Texas 75007 and via her counsel Christopher J. Moser, Esq., Quilling Selander Lownds, Winslett Moser, 2001 Bryan Street, Suite 1800, Dallas, TX 75201.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§157 and 1334, and 11 U.S.C. §523. This matter constitutes a core proceeding within the meaning of 28 U.S.C. §157(b)(2)(I) and (O). Venue is proper in this District pursuant to 28 U.S.C. §1408 and 1409 because the Debtor's bankruptcy case is pending in this District and the causes asserted herein arise under the Bankruptcy Code and arise in a case under the Bankruptcy Code.

III. BACKGROUND FACTS

4. As shown on Exhibit "A" attached hereto, the debtor received a check in the mail from the Plaintiff along with a written promise to pay. The check was cashed on June 4, 2018 and the debtor filed Chapter 7 Bankruptcy on June 28, 2018. The amount of check exceeds the sum of \$750.00 and is within the 70 days before the order for relief was granted by this Court as found in 11 USC §523(a)(2)(C)(ii).

IV. CAUSES OF ACTION

Declaration that Indebtedness is Nondischargeable Pursuant to 11 U.S.C. §523(a)(2)(C)(ii)

5. Based upon the above-facts, Plaintiff seeks a determination that the indebtedness of Debtor to Plaintiff constitutes a debt for money, to the extent obtained within 70 days before the order for relief and the sum advanced was more than \$750.00 such that the entirety of this indebtedness is nondischargeable under 11 U.S.C. §523(a)(2)(C)(ii).

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Debtor be cited to appear and answer, and that the Court award judgment to Plaintiff against the Debtor that the subject indebtedness, including any interest thereon and including attorney's fees, costs and expenses to the extent recoverable under Plaintiff's agreements with Debtor, is nondischargeable, awarding any other amounts recoverable in connection therewith, and awarding such other and further relief to which the Plaintiff may show itself justly entitled.

Dated: October 2, 2018

Respectfully submitted,

/s/ B. Bruce Johnson

B. BRUCE JOHNSON

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